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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 RICKEY CALHOUN,

12 Plaintiff,

13 v.

14 DR. HENRY RICHARDS *et al.*,

15 Defendants.
16

CASE NO. C08-5101RBL/JRC

ORDER DENYING PLAINTIFF'S
MOTION TO STAY SUMMARY
JUDGMENT

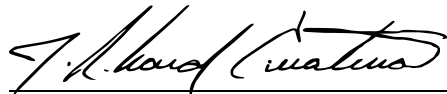
17 This 42 U.S.C. § 1983 action has been referred to the undersigned Magistrate Judge
18 pursuant to 28 U.S.C. §§ 636 (b) (1) (A) and 636 (b) (1) (B) and Local Magistrates Judges' Rules
19 MJR 1, MJR 3, and MJR 4.
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21 Before the court is plaintiff's motion asking to stay consideration of a pending motion for
22 summary judgment until after the plaintiff has deposed the former Superintendent of the Special
23 Commitment Center (Dkt. #214). Because this defendant only remained in the action in his
24 official capacity for the purpose of possible injunctive relief, because the plaintiff did not seek
25 earlier court intervention, and because of the substantial delays in this case due to discovery, the
26 motion is denied.

1 This action has been pending for over two years. Discovery has been sporadic. The
2 defendants made other defendants available for depositions and had defendant Richards available
3 to testify by phone on January 26, 2010 (Dkt # 215, page 4). Plaintiff refused to accept this
4 arrangement even though Dr. Richards no longer works for the Special Commitment Center and
5 lives in Seattle. Plaintiff has made no showing that any of the evidence he now seeks is relevant
6 to the action or is needed to defend against summary judgment. The motion to stay
7 consideration of the motion for summary judgment is DENIED.
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9 The Clerk's Office is directed to send plaintiff a copy of this order and remove (Dkt. #
10 214) from the Court's calendar.

11 Dated this 5th day of March, 2010.

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14 J. Richard Creatura
15 United States Magistrate Judge
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